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Amendments to the 1992 Constitution of Vietnam: Analysis and Recommendations related to Human Rights, HIV/AIDS, Drugs, and Sex Work

September 13, 2013

Submitted to: United States Agency for International Development (USAID)/Vietnam

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Contract No: GPO-I-00-05-00026-00
September 2013

Glossary of terms

05 center	Detention center for sex workers
06 center	Detention and detoxification center for people who use drugs
AIDS	Acquired Immunodeficiency Syndrome
CSO	Civil society organization
HIV	Human Immunodeficiency Virus
HPI	Health Policy Initiative
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOJ	Ministry of Justice
MOLISA	Ministry of Labor, Invalids and Social Affairs
PLHIV	People living with HIV/AIDS
STI	Sexually Transmitted Infection
TB	Tuberculosis
USAID	United States Agency for International Development

Executive summary

The Constitution of the Socialist Republic of Vietnam of 1992 institutionalized the viewpoint and policies of the Communist Party of Vietnam at the time of its enactment. The 1992 Constitution was amended in 2001 and has remained unchanged from that time. The 1992 Constitution is the principal law of the State and is now undergoing an amendment process to provide guidance on important issues of social life and civil society in light of the dramatic social and economic changes that have occurred in the country since 1992. The 1992 Constitution was promulgated more than 20 years ago and most recently amended 12 years ago. Its provisions on human rights and those relevant to the responses to HIV/AIDS, drugs, and sex work need amending in order to better align them with the contemporary context and attitudes, and with international legal instruments and best practice.

At the request of USAID, the Health Policy Initiative Vietnam project reviewed the 1992 Constitution, the draft amendments, and related legal documents on human rights, HIV/AIDS, drugs, and sex work in Vietnam. This report presents findings and recommendations from that review.

The 1992 Constitution addresses health issues in general rather than specific health issues such as HIV/AIDS. However, HIV/AIDS is addressed implicitly in many articles and issues related to drugs and sex work are found mainly in Article 61 that calls for compulsory treatment of drug addiction and certain dangerous social diseases. Article 61 served as a legal basis for the formulation and promulgation of regulatory documents related to compulsory detention and detoxification for drug users in 06 centers and compulsory detention of sex workers in 05 centers and their compulsory treatment for sexually transmitted infections. This provision is outdated in light of developments in Vietnamese and international law and rights and international best practice regarding HIV/AIDS, drugs, and sex work. In 2010, for example, Vietnam decriminalized the use of drugs.

The draft amendments to the 1992 Constitution propose changes in several provisions, especially that human rights be covered in a separate chapter titled "Human rights, basic rights and duties of citizens." Many stipulations of the draft amendments are directly related to HIV/AIDS, drugs and sex work. In the draft, Article 61 of the 1992 Constitution

has been removed. However the new provisions on "prohibition of acts threatening the life and health of other people and the community" could still support punitive policies on HIV/AIDS, drugs and sex work.

The assessment produced recommendations regarding amendment of the 1992 Constitution, including the following:

- Article 61 should be removed entirely, as in the drafts amendments;
- Proposed new Article 15 on limitation of human and citizens' rights is too broadly worded and should be clearly limited to national emergencies and other very rare and extreme circumstances in which suspension or abrogation of individual rights may be justified.
- Article 15, which prohibits discrimination, should be amended to include "health status" and to include prohibitions t "stigma" and "stigmatizing behaviors."
- Proposed Article 41 prohibiting "acts threatening life and health" should be clearly delimited so as not to engender excessively punitive policies on drugs and sex work or policies that would exert a chilling effect on PLHIV and key affected populations from seeking out and accessing testing, treatment, and other services.

Depending on the final shape and specific changes included in the revised Constitution, it will likely be necessary to revise other legal documents to bring them into conformity with the Constitutional revisions. Such changes are likely to be needed in various legal and policy documents on HIV/AIDS, drugs and sex work, including the sex work ordinance, drug prevention and control law, law on handling administrative violations, and a number of decrees and other subordinate legal and policy documents.

Continued efforts to advocate for right and evidence based policies should be strengthened to ensure that PLHIV, drug users and sex workers are able to enjoy their rights in access to and use of rights- evidence-based programs and services of prevention, care, treatment, and support.

Background

As a result of the 1991 Political Program for National Construction, Vietnam enacted the 1992 Constitution to institutionalize the viewpoints and policies of the Communist Party. The 1992 Constitution is the principal law of the State and is now undergoing an amendment process to provide guidance on important issues of social life and civil society in light of the dramatic social and economic changes that have occurred in the country since 1992. The 1992 Constitution was promulgated more than 20 years ago and most recently amended 12 years ago. Its provisions on human rights and those relevant to the responses to HIV/AIDS, drugs, and sex work need amending in order to better align them with the contemporary context and attitudes, and with international legal instruments and best practice.

At the request of USAID, the Health Policy Initiative Vietnam project conducted an assessment of the original provisions and draft amendments in the areas of human rights, HIV/AIDS, drugs, and sex work. This report presents the results of the review together with recommendations for the final amendments and their implications for revision of relevant subordinate legal documents.

Relevant Articles of the 1992 Constitution

Articles in the 1992 Constitution (amended in 2001) related to human rights and HIV/AIDS, drugs and sex work are for the most part found in Chapter V on the primary rights and obligations of citizens. Article 50 states that “In the Socialist Republic of Vietnam, human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen's rights and are determined by the Constitution and the law.” Article 51 specifies that “A citizen's rights are inseparable from his duties. The State guarantees the rights of the citizen and in turn the citizen must fulfill his duties to the State and society. The citizen's rights and duties are determined by the Constitution and the law.”

Health is included as a basic right but there are fewer specific articles on health than on human and citizens' rights in general. The 1992 Constitution addresses health issues in general rather than specific health issues such as HIV/AIDS. However, issues related to HIV/AIDS, drugs and sex work are implicitly covered in a number of articles, most importantly Articles 39, 51, 61, 71 and 72.

Article 39 covers general health care and contains clear implications for government policy in preventive health. It specifies development of “a prevention-oriented Vietnamese health system which combines disease prevention with treatment; develops and combines modern with traditional medicine and pharmacology; combines the development of public and popular healthcare; ensures the provision of healthcare insurance and creates favorable conditions so that all people can access adequate healthcare.” Article 39 also emphasizes health care for ethnic minorities and populations in mountainous areas. This can be interpreted as meaning that these populations are to be targeted and prioritized in the provision of health care and in particular for HIV/AIDS prevention, care and treatment.

While HIV/AIDS is considered a health issue and is covered implicitly in many articles, issues related to drugs and sex work are addressed directly in **Article 61**. This article contains specific provisions on the production, transportation, sale, stockpiling and use of opium and other narcotic drugs. It further stipulates that treatment of drug addiction and certain dangerous social diseases is compulsory: “Illegal production, transportation, sale, stockpiling and use of opium and other narcotic drug are strictly prohibited. The State will provide compulsory treatment of drug addiction and certain dangerous social diseases.” Article 61 served as the legal basis for the formulation and promulgation of legal documents providing for to compulsory detention and detoxification of drug users in 06 centers and compulsory detention of sex workers in 05 centers and their compulsory treatment of STIs.

Several provisions in Articles 68 and 71-74 enshrine protections against arbitrary and unjust arrest, conviction, or detention without due process of law and specify procedures for citizens’ to obtain redress for violations of these rights.

Article 68: “Citizens are entitled to freedom of movement and residence inside the country, of departure for and return from foreign countries in accordance with the law.”

Article 71: “The citizen shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honor and dignity. No one can be convicted in the absence of a ruling by the People’s Court or a ruling or sanction of the People’s Office of Supervision and Control except when there is a flagrant offence. Taking a person into custody and holding him in custody is to be done only in full observance of the law. It is

strictly forbidden to use all forms of harassment, coercion, torture against a citizen or to violate the honor and dignity of a citizen”.

Article 72: “No one shall be regarded as guilty and be subjected to punishment before the Court has announced its verdict and sentence. Any person who has been arrested, held in custody, prosecuted and brought to trial in violation of the law shall be entitled to damages for any material harm suffered and his reputation shall be restored. Anyone who contravenes the law when arresting, holding in custody, prosecuting or bringing to trial another person, thereby causing him damage, shall be dealt with severely”.

Article 73: “The citizen is entitled to the inviolability of his domicile. No one can enter the domicile of another person without his consent, unless such an act is authorized by the law. Safety and secrecy are guaranteed regarding citizens’ correspondence, telephone conversations and telegrams. Forced home searches and taking possession of, opening or confiscating a citizen’s correspondence and telegrams can only be done by a competent authority in accordance with the provisions of the law”.

Article 74: “Citizens have the right to lodge complaints and denunciations with appropriate State authorities to present the illegal doings of State organs, economic bodies, social organizations, units of the people’s armed forces or any individual. All complaints and denunciations must be examined and settled by the State authorities within the time laid down by the law. All acts violating the interests of the State or the rights and legitimate interests of collectives or citizens shall be dealt with severely in time. The person who has suffered loss and injury shall be entitled to damages for any material harm suffered and steps must be taken to have his reputation restored. It is strictly forbidden to take vengeance on any person who is making complaints and denunciations, or to make complaints and denunciations for the purpose of slandering and causing harm to another person”.

The language of these articles would appear to preclude systems of compulsory detention of drug users and sex workers. However, the government considers that these limitations were circumvented by the classification of such detention as administrative rather than judicial proceedings. Recently, the Law on Handling Administrative Violations (2012) changed the situation by ending compulsory detention of sex workers as an

administrative procedure and making detention of drug users subject to District Court ruling.

Draft Amendments to the Constitution

Compared to the 1992 Constitution which has 147 Articles in 12 Chapters, the draft revised Constitution consists of 11 Chapters with 124 Articles, of which 14 Articles are unchanged, 99 have been revised and 11 have been added. The current Draft of the amended Constitution clarifies the issues of human rights and citizens' rights and the responsibilities of the State and society with respect to the recognition, respect, protection and assurance of such rights. The proposed amendments differentiate better between these two types of rights. However, many stipulations regarding citizens' rights are closely associated with human rights and the two types of rights are inextricably interlinked.

The Chapter V of the 1992 Constitution titled "Basic rights and obligations of citizens" has been revised to become Chapter II of the amended Constitution titled "Human rights, basic rights and duties of citizens." This amendment asserts the value and important role of human rights and citizens' rights in the Constitution. In Chapter II of the Draft Constitution which amends the 1992 Constitution, the issues of human rights, basic rights and obligations of citizens in general, along with healthcare, security and society in particular (which includes HIV/AIDS, drugs and sex work) are stated in a number of provisions (see more detail in Annex).

The draft amendments assert and further clarify the fundamental rights and duties of citizens as provided in the 1992 Constitution, including the rights and protections enumerated in Articles 68 and 71-74. The draft also adds a number of new rights which are needed in light of social and economic changes in Vietnam and in line with the international treaties on human rights of which Vietnam is a signatory. These rights include:

- Right to live (Article 21);
- Right to donate tissues, body parts, corpse (Article 22);
- Right to inviolability of private life (Article 23);
- Right to private ownership (Article 33):

- Right to social security guarantee (Article 35):
- Right to marry and divorce (Article 39):
- Right to enjoy cultural values and take part in cultural life, use cultural establishments and access cultural values (Article 44:),
- Right to determine nationality (Article 45),
- Right to live in a healthy environment (Article 46),

The Draft Amended Constitution has rearranged articles by group of rights to ensure consistency between human rights and citizens' rights, and to enhance feasibility. Accordingly, the articles of Chapter II are arranged in the following order:

- General stipulations, including principles, guarantee of application of individual rights, and the limits and constraints on those rights (Article 15 to Article 20);
- Civil and political rights (Article 21 to Article 32);
- Economic, cultural and social rights (Article 33 to Article 46);
- Citizens' duties (Article 47 to Article 50);
- Rights and duties of foreigners (Article 51, Article 52).

The rights are interrelated, but differ in terms of specific population groups, responsibilities and guarantee mechanisms. The rights to a dwelling place and to the inviolability of one's lawful domicile, for example, are prescribed in different stipulations.

The Draft adds a potentially problematic provision: "Human rights, citizens' rights, can be limited only when it is necessary, for reasons of national defense, for national security, and to protect social order, safety, ethics and public health "(Article 15). This is very generally worded and could be open to many and potentially troubling interpretations and applications.

Recommendations for the revised constitution

Based on this review of the 1992 Constitution and the draft Amendments in light of international best practice and international conventions on human rights and other relevant instruments, the assessment team offers some recommendations for further revision and amendment of the Constitution.

The viewpoints of the public and the government regarding human rights, HIV/AIDS, drugs and sex work are changing in fundamental ways. Previously, the public held the view that HIV/AIDS, drugs, and sex work are social evils and people living with HIV/AIDS (PLHIV, often people who use drugs and sex workers) are in serious violation of the law and should be subject to criminal charges and administrative action.

Sex workers should be considered as a key affected population who needs services and support from the state. This more liberal view can be clearly seen in the Law on HIV/AIDS Prevention and Control (2006) and the new Law on Handling Administrative Violations (2012), which not only protect human rights but also ensures the legitimate rights and interests of PLHIV, drug users and sex workers.

In 2010, Vietnam's Penal Code was changed to decriminalize the use of drugs. Moreover, the view that drug addiction is a chronic, relapsing disease that should be treated through voluntary, community-based, and evidence-based modalities is becoming more widespread in Vietnam. Scientific advancements and increased social awareness have together led to the need for a review of policies and laws. On this basis, the USAID/HPI assessment team concurs with the draft amendments and recommends that the language in **Article 61** on illegal drug use and compulsory treatment be removed from the Constitution.

In addition, the proposed **Article 15** language should be clearly limited to allow suspension or abrogation of human or citizens' rights only in national emergencies or other rare and extreme situations.

Article 61 also refers to compulsory treatment of "dangerous social diseases". This term is excessively generic and does not reflect current thinking on infectious diseases and the human rights of people with these conditions. Therefore, the assessment team recommends that this portion of Article 61 be removed. Indeed, the assessment team's recommendation is that Article 61 be removed in its entirety from the Constitution. The 2012 Law on Handling Administrative Violations has already made substantial progress along these lines.

In recent years, HIV/AIDS has come to more widely viewed as a disease requiring treatment, care, and support rather than the result of people engaged in "social evils"

and that PLHIV are seen as people with an illness who need services and should be free from stigma and discrimination. Therefore, the USAID/HPI assessment team recommends that, in **Article 17**, the prohibitions against discrimination be amended to cover discrimination based on “health status”. We also recommend that definitions of and prohibitions against “stigma” and “stigmatizing behavior” be added to Article 17.

The Proposed Article 41 prohibiting “acts threatening life and health” should be clearly delimited so as not to engender excessively punitive policies on drugs and sex work or policies that would exert a chilling effect on PLHIV and key affected populations from seeking out and accessing testing, treatment, and other services.

Recommendations for conformity of other legal documents with the revised Constitution

The relationship between the Constitution and subordinate legal and policy documents is a reciprocal process. Post-1992 changes to the legal framework have led to the need to revise the Constitution and, once the Constitution is revised, further revisions of existing laws and legal documents will be required.

Human and citizens’ rights are addressed in a separate part of the draft amended Constitution. Thus, when formulating or revising legal documents such as the Penal Code, the Criminal Procedure Code, the Law on Handling Administrative Violations, the Law on Drug Prevention and Control, and the Law on HIV/AIDS Prevention and Control, and the Ordinance on Prostitution, a review of the amended Constitution will be required to ensure that its provisions are reflected in these laws and that all subordinate legal documents are fully compliant and compatible with the revised Constitution.

If the Constitution is finally revised along the lines envisioned in the draft amendments and the recommendations of this assessment, legal documents on drugs and sex work will require further changes. The Ministry of Labor, War Invalids, and Social Affairs (MOLISA), which has oversight of drug control, has developed a Renovation Plan for drug rehabilitation that envisions Vietnam moving from a reliance on compulsory detention and detoxification towards a system of voluntary community-based treatment. The effectuation of this systemic change will require authorization and guidance in revised and perhaps entirely new legal documents such as a law on addiction treatment.

The stipulation on post-detoxification management which includes a requirement that drug addicts and sex workers be sent to medical establishments will need to be repealed or revised should these existing provisions not comply with the revised Constitution. Moreover, compulsory detoxification and treatment is a restriction of citizens' right to freedom because it is a decision made by administrative authorities and based on administrative procedures rather than on judicial procedure and a decision made by courts. As such, this stipulation is not consistent with Article 68 (freedom of movement) and Article 71 of the Constitution on citizens' right to freedom. Furthermore, it invokes the authority's right to restrict citizens' right (no citizen shall be arrested without a decision of a People's Court, or a decision or approval made by the People's Procuracy, except for cases of acts in flagrante delicto).

Regarding the legal validity of documents related to HIV/AIDS, drugs, and sex work: In accordance with stipulations within the Constitution, human rights are embodied in citizens' rights which are regulated by the Constitution and the law. However, the stipulation mandating the internment of drug users and sex workers to medical treatment establishments, currently found in both the Law on Handling Administrative Violations and the Ordinance on Prostitution Prevention and Control, is essentially a deprivation of freedom. It is not aligned with current human rights provisions found in the Constitution. In addition, the application of administrative measures to provide forced education in communes, wards and towns and interning citizens in detoxification establishments is an unjust deprivation of Constitutionally guaranteed freedoms.

The degree of articulation of the stipulations on human rights depends on different economic, cultural and social factors in Vietnam, public awareness, and the various international commitments that Vietnam has signed. As such, it is difficult to project the full and precise extent to which the provisions of the final revised Constitution will affect and require changes in subordinate legal documents. However, in principle, all legal documents must comply with the Constitution.

Annex: Major changes in the Draft Constitutional Amendments for the 1992 Constitution regarding human rights, HIV/AIDS, drugs and sex work

The 1992 Constitution	The Draft Constitutional Amendments to the 1992 Constitution
<p>Article 50: In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen's rights and are determined by the Constitution and the law.</p>	<p>Article 15 (Amending Article 50) 1. In the Socialist Republic of Vietnam, human rights and citizens' rights are recognized, respected, protected and guaranteed by the state and society in accordance with the Constitution and the law. 2. Human rights and citizens' rights may only be limited where necessary for reasons related to national defense and security, social order and safety, morals or community health.</p>
	<p>Article 16 (new) 1. Every person is obliged to respect the rights of others. 2. No one can take advantage of human rights or citizens' rights in order to breach national interests, ethnic interests, and other people's legitimate rights and interests.</p>
<p>Article 52: All citizens are equal before the law.</p>	<p>Article 17 (amending and supplementing Article 52): 1. Every person is equal before the law (Embedding human rights explicitly). 2. No person is to be discriminated against in political, civil, economic, cultural or social life.</p>
<p>Article 51: The citizen's rights are inseparable from his duties. The State guarantees the rights of the citizen; the citizen must fulfill his duties to the State and society. The citizen's rights and duties are determined by the Constitution and the law.</p>	<p>Article 20 (amending and supplementing Article 51): 1. Citizens' rights are inseparable from citizens' duties. 2. Citizens' rights and duties are regulated by the Constitution and the law. 3. It is the citizens' responsibility to fulfill their duties to the State.</p>
<p>Article 71: The citizen shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honor and dignity. No one can be arrested in the absence of a ruling by the People's Court or a ruling or</p>	<p>Article 22 (revising Article 71): 1. Every person shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honor and dignity. 2. It is strictly forbidden to use all forms</p>

The 1992 Constitution	The Draft Constitutional Amendments to the 1992 Constitution
sanction of the People's Office of Supervision and Control except in the case of flagrant offences. Taking a person into, or holding him in, custody must be done with full observance of the law. It is strictly forbidden to use all forms of harassment, coercion, torture against a citizen or to violate a citizen's honor or dignity.	of harassment, coercion or torture against a person, or to violate a person's honor or dignity.
<p>Article 72:</p> <p>No one shall be regarded as guilty and be subjected to punishment before the sentence of the Court has acquired full legal effect. Any person who has been arrested, held in custody, prosecuted and brought to trial in violation of the law shall be entitled to damages for any material harm suffered and his reputation shall be rehabilitated. Anybody who contravenes the law in arresting, holding in custody, prosecuting and bringing to trial another person thereby causing him damage shall be dealt with severely.</p>	<p>Article 32 (revising Article 72)</p> <ol style="list-style-type: none"> 1. No one shall be regarded as guilty before the sentence of the Court has acquired full legal effect. 2. Every person has the right to a court trial before he is convicted. No person can be sentenced twice for the same crime. 3. Any person who has been arrested, held in custody, charged with an offense, and is brought to trial has the right to obtain support from legal defenders. 4. Any person who has been arrested, held in custody, charged with an offense and was brought to trial in violation of the law shall be entitled to damages for any material and spiritual harm suffered and his reputation shall be rehabilitated. Anybody who contravenes the law in arresting, detaining, holding in custody, investigating, prosecuting and bringing to trial another person thereby causing him damage shall be dealt with by the law.
<p>Article 73:</p> <p>The citizen is entitled to the inviolability of his domicile. No one can enter the domicile of another person without his consent, except in cases authorized by the law. Safety and secrecy are guaranteed regarding the citizen's correspondence, telephone conversations and telegrams. Domiciliary searches and the opening, control or confiscation of a citizen's correspondence and telegrams can be done only by a competent authority in accordance with the provisions of the law.</p>	<p>Article 37 (revising Article 73):</p> <ol style="list-style-type: none"> 1. Every person is entitled to the inviolability of his legal domicile. 2. No one can enter the domicile of another person without his consent. Search of a domicile is regulated by the law.
<p>Article 39:</p> <p>The State invests in, develops and ensures</p>	<p>Article 41 (revising Article 39, Article 61):</p> <ol style="list-style-type: none"> 1. The citizen is entitled to healthcare

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<p>the unified administration of people's health protection, harnesses and organizes all social forces to build and develop a prevention-oriented Vietnamese medicine, combines disease prevention with treatment, develops and combines modern with traditional medicine and pharmacology, combines the development of public along with popular health care, ensures health care insurance and creates favorable conditions for all people to enjoy healthcare. The State grants priority to the implementation of the healthcare program for mountain inhabitants and ethnic minority people.</p> <p>Illegal medical treatment production and sale of medicines detrimental to the people's health by organizations of individuals are prohibited.</p> <p>Article 61: The citizen is entitled to a regime of healthcare protection. The State shall establish a system of hospital fees, together with one specifying exemptions from and reductions of such fees. The citizen has the duty to observe all regulations on disease prevention and public hygiene. It is strictly forbidden to produce, transport, deal in, store and use unlawfully opium or other narcotics. The State shall enact regulations on compulsory treatment of drug addiction and treatment of dangerous social diseases.</p>	<p>protection, equality in using medical services and is obliged to implement regulations on disease prevention, physical examination and treatment. Any act which threatens other people or community life and health is prohibited.</p>
<p>Article 129: Trials before People's Courts with the participation of people's assessors, and before Military Tribunals with the participation of military assessors shall be conducted in conformity with the provisions of the law. During a trial the assessors shall be on an equal footing with the judges.</p> <p>Article 130: During a trial the judges and assessors are independent and are only to abide by the law.</p> <p>Article 131: People's Courts shall hold their hearings in public, except in cases determined by law. The People's Courts shall try their cases</p>	<p>Article 108 (revising Articles 129, 130, 131, 132 and 133):</p> <ol style="list-style-type: none"> 1. Trials before People's Courts are to include the participation of people's assessors, unless otherwise regulated by the law. 2. Judges and assessors are to act independently in the course of a trial and only to obey the law; agencies, organizations and individuals are prohibited from intervening in a trial being carried out under a judge and assessor. 3. People's Courts shall hold their hearings in public, except in cases determined by law. 4. People's Courts shall try their cases

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<p>collegially and their decisions shall be in conformity with the will of the majority.</p> <p>Article 132:</p> <p>The right of the defendant to be defended is guaranteed. The defendant can either conduct his own defense or ask someone else to act in his defense. An organization of barristers shall be set up to help the defendant and other parties in a legal case to defend their rights and legitimate interests and to safeguard socialist legality.</p> <p>Article 133:</p> <p>People's Courts shall guarantee that citizens of the Socialist Republic of Vietnam who are members of a different ethnic group can use their own language and system of writing in court.</p>	<p>collegially and their decisions shall be in conformity with the will of the majority, except in cases determined by the law.</p> <p>5. The principle of litigation at trial is guaranteed.</p> <p>6. First-case and appeal hearing regimes are guaranteed.</p> <p>7. The right of the arrestee/defendant to be defended, and to have his legitimate interests protected is guaranteed. The defendant, and other parties in a legal case, can either conduct his own defense or ask a barrister or someone else to act in his defense.</p>